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Attorneys for Defendants

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

In re ACCURAY INC. SECURITIES LITIGATION	)	Master File No. 4:09-cv-03362-CW
	)	
	)	<u>CLASS ACTION</u>
	)	
This Document Relates To:	)	STIPULATION AND ORDER REGARDING
	)	CONTINUANCE OF FEBRUARY 17, 2011
ALL ACTIONS.	)	HEARING AND CASE MANAGEMENT
	)	CONFERENCE

STIPULATION AND ~~PROPOSED~~ ORDER  
REGARDING CONTINUANCE OF HEARING & CMC  
MASTER FILE NO. 4:09-cv-03362-CW

1 WHEREAS, on August 31, 2010, this Court dismissed plaintiffs' [Corrected] Consolidated  
2 Class Action Complaint for Violations of the Federal Securities Laws in the above-captioned action  
3 (the "Action"), with leave to amend;

4 WHEREAS, on October 4, 2010, plaintiffs filed their [Corrected] First Amended Class  
5 Action Complaint for Violations of the Federal Securities Laws (the "FAC");

6 WHEREAS, defendants filed a motion to dismiss the FAC on October 14, 2010;

7 WHEREAS, plaintiffs filed their opposition to defendants' motion to dismiss on October 28,  
8 2010;

9 WHEREAS, defendants filed their reply on November 4, 2010;

10 WHEREAS, defendants' motion was scheduled to be heard by the Court on November 18,  
11 2010;

12 WHEREAS, by notice of this Court, the hearing was rescheduled to January 20, 2011;

13 WHEREAS, on January 4, 2011, the parties submitted a joint stipulation requesting that the  
14 hearing be continued to February 17, 2011, and on January 6, 2011, the Court so ordered;

15 WHEREAS, the parties' settlement discussions remain ongoing, and the parties have  
16 continued to work with the Honorable Edward Infante (Ret.) regarding a potential resolution of this  
17 matter;

18 WHEREAS, in order to facilitate settlement efforts and conserve expenses and judicial  
19 resources, the parties have met and conferred and agreed, subject to Court approval, to continue the  
20 February 17, 2011 hearing and case management conference;

21 WHEREAS, the parties respectfully request that the hearing and case management  
22 conference be rescheduled to March 17, 2011, or such a date thereafter that is convenient for the  
23 Court;

24 WHEREAS, the requested continuance is not for the purpose of delay, promotes judicial  
25 efficacy and will not prejudice any party;

26 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the  
27 undersigned, subject to Court approval, as follows:

28  
STIPULATION AND ~~PROPOSED~~ ORDER  
REGARDING CONTINUANCE OF HEARING & CMC  
MASTER FILE NO. 4:09-cv-03362-CW

The February 17, 2011 hearing regarding defendants' motion to dismiss, and February 17, 2011 case management conference, shall be taken off calendar and rescheduled to March 17, 2011, or such a date thereafter that is convenient for the Court.

DATED: February 9, 2011

ROBBINS GELLER RUDMAN  
& DOWD LLP  
SHAWN A. WILLIAMS  
DANIEL J. PFEFFERBAUM

/s/ DANIEL J. PFEFFERBAUM  
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Co-Lead Counsel for Plaintiffs

DATED: February 9, 2011

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Attorneys for Defendants

\* \* \*

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 2/11/2011

  
\_\_\_\_\_  
THE HONORABLE CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

1 I, Diane M. Walters, am the ECF User whose ID and password are being used to file this  
2 Stipulation and [Proposed] Order Regarding Continuance of February 17, 2011 Hearing and Case  
3 Management Conference. In compliance with General Order No. 45, X.B., I hereby attest that  
4 Daniel J. Pfefferbaum has concurred in this filing.

5 \_\_\_\_\_  
/s/ DIANE M. WALTERS  
DIANE M. WALTERS  
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